

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>HEIDI STRAUSE, et al.,</b>	:	<b>CIVIL ACTION</b>
<b>Plaintiffs</b>	:	
	:	
v.	:	<b>NO. 09-2249</b>
	:	
<b>THOMAS STARNER,</b>	:	
<b>Defendant</b>	:	

**ORDER**

**STENGEL, J.**

**AND NOW**, this 31st day of August, 2009, upon consideration of the defendant's Motion to Dismiss (Document #5), it is hereby ORDERED that the motion is GRANTED IN PART and DENIED IN PART as follows:

1. With respect to Count I (Illegal Seizure), the motion is DENIED;
2. With respect to Count II (Illegal Arrest), the motion is GRANTED;
3. With respect to Count III (Race Discrimination), the motion is GRANTED; and
4. Any request for punitive damages against the defendant in his official capacity is DISMISSED.

BY THE COURT:

/s/ Lawrence F. Stengel  
LAWRENCE F. STENGEL, J.